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8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JUSTIN LEE TRIPP,

15 Defendant.

Case No. 2:19-mj-00394-NJK

**STIPULATION TO CONTINUE THE  
PRELIMINARY HEARING AND  
EXTEND DEADLINE TO FILE AN  
INFORMATION OR INDICTMENT**  
(Second Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.  
18 Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney,  
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,  
20 and Kathryn C. Newman, Assistant Federal Public Defender, counsel for Justin Lee Tripp, that:  
21 (1) the Preliminary Examination currently scheduled on April 21, 2020, be vacated and  
22 continued to a date and time convenient to the Court, but no sooner than sixty (60) days; and  
23 (2) the Information/Indictment deadline currently due on April 21, 2020, be extended for sixty  
24 (60) days.

25 This Stipulation is entered into for the following reasons:  
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1           1.       Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold a  
2 preliminary hearing within a reasonable time, but no later than 14 days after the initial  
3 appearance if the defendant is in custody.”

4           2.       However, under Rule 5.1(d), “with the defendant’s consent and upon a showing  
5 of good cause – taking into account the public interest in the prompt disposition of criminal  
6 cases – a magistrate judge may extend the time limits in Rule 5.1(c) one or more times. . . . “

7           3.       On January 31, 2020, the Court held an initial appearance for Justin Tripp during  
8 which he was detained on the criminal complaint, and a preliminary hearing was set for  
9 February 13, 2020. ECF No. 30.

10          4.       The parties have stipulated to continue the preliminary hearing and the date by  
11 which the government must file an indictment. The preliminary hearing is currently set for April  
12 21, 2020, as is the deadline for filing an information or bringing an indictment. ECF Nos. 45,  
13 49.

14          5.       Under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny information or  
15 indictment charging an individual with the commission of an offense shall be filed within thirty  
16 days from the date on which such individual was arrested or served with a summons in  
17 connection with such charges.”

18          6.       The parties have reached an agreement in principal, but require additional time  
19 within which to resolve collateral issues relating to the plea agreement. Moreover, if  
20 negotiations fail, counsel for Mr. Tripp will require additional time to review discovery and  
21 prepare for the preliminary hearing. The government will need additional time to present the  
22 matter to the grand jury.

23          7.       The additional time under the Speedy Trial Act requested herein in is not sought  
24 for purposes of delay, but to allow counsel from Mr. Tripp sufficient time to effectively and  
25 thoroughly research and prepare and to determine whether to proceed with a preliminary  
26 hearing and indictment or to resolve the case through negotiations.

1           8.     Mr. Tripp is in custody and agrees with the need for a continuance of the  
2 preliminary hearing and the extension of time within which the government must present an  
3 information or indictment under 18 U.S.C. § 3161(b).

4           9.     The parties agree to the extension of these deadlines.

5           10.    Accordingly, parties ask the Court to order that the additional time requested by  
6 this stipulation is excludable in computing the time within which the defendant must be indicted  
7 and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b)(1)  
8 and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

9           This is the second request for an extension of the Speedy Trial deadline by which to file  
10 an information or indictment and the third request to continue the preliminary hearing.

11          DATED this 14th day of April, 2020.

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13       RENE L. VALLADARES  
14       Federal Public Defender

          NICHOLAS A. TRUTANICH  
          United States Attorney

15       /s/ Kathryn C. Newman  
16       By \_\_\_\_\_

          /s/ Kimberly M. Frayn  
          By \_\_\_\_\_

17       KATHRYN C. NEWMAN  
          Assistant Federal Public Defender

          KIMBERLY M. FRAYN  
          Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

Case No. 2:19-mj-00394-NJK

4 Plaintiff,

**ORDER**

5 v.

6 JUSTIN LEE TRIPP,

7 Defendant.

8  
9 Based on the stipulation of counsel, good cause appearing, and the best interest of justice  
10 being served, the time requested by this stipulation being excludable in computing the time  
11 within which the defendant must be indicted and the trial herein must commence pursuant to  
12 the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18  
13 U.S.C. § 3161(h)(7)(B)(i) and (iv):

14 IT IS THEREFORE ORDERED that the deadline under the Speedy Trial Act, 18 U.S.C.  
15 § 3161(b), that requires “[a]ny information or indictment charging an individual with the  
16 commission of an offense shall be filed within thirty days from the date on which such  
17 individual was arrested or served with a summons in connection with such charges” is hereby  
18 extended for sixty (60) days.

19 The Court finds the additional time requested by the parties’ stipulation is excludable in  
20 computing the time within which the defendant must be indicted and the trial herein must  
21 commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering  
22 the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

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1 IT IS FURTHER ORDERED that the preliminary examination currently scheduled for  
2 Tuesday, April 21, 2020 at 4:00 p.m., be vacated and continued to June 25, 2020, at 4:00  
3 p.m.

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5 DATED this 15<sup>th</sup> day of April, 2020.

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UNITED STATES MAGISTRATE JUDGE